ANNEXURE

THE MYSORE LAND REFORMS (AMENDMENT) BILL, 1972.

(*L.A. Bill No. 21 of 1972*)

A BILL further to amend the Mysore Land Reforms Act, 1961.

WHEREAS *it is expedient further to amend the Mysore Land* Reforms Act, 1961 (Mysore Act 10 of 1962) for the purposes hereinafter appearing;

BE it enacted by the Mysore State Legislature in the Twenty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Mysore Land Reforms (Amendment) Act, 1972.

(2) It shall come into force at once.

2. *Amendment of Section 2.*—In section 2 of the Mysore Land Reforms Act, 1961 (Mysore Act 10 of 1962) (hereinafter referred to as the principal Act), in sub-section (A)—

(i) clause (6), shall be omitted;

(ii) for clause (7), the following clause shall be substituted, namely:—

"(7) "ceiling area" means the extent of land which a person is entitled to hold under section 63;";

(iii) in clause (11),—

(*a*) at the end of item (iii), for the semi colon, the colon shall be substituted and after the said item, the following proviso shall be inserted, namely:—

"Provided that the person exercising such personal supervision resides in the village in which the land is situated or within sixteen kilometres from the territorial limits of the said villige.";

(*b*) Explanations II and III shall be omitted;

(iv) for clause (12), the following clause shall be substituted, namely:—

"(12) 'family' in relation to a person means the person, the wife or husband, as the case may be, of such person and his or her minor children;";

(v) clause (13) shall be omitted;

(vi) clause (17) shall be omitted;

(vii) after clause (21), the following clauses shall be inserted, namely :—

"(21A) "land revenue" means all sums and payments received or claimable by or on behalf of the State Government from any person on account of land held by or vested in him as fixed at a settlement of land revenue current in the area in which the land is situated.

Explanation.—In the case of any village to which settlement of land revenue has not been made an amount equal to the land revenue assessment levied on the same extent of similar land in an adjoining village to which settlement of land revenue has been made shall be deemed to be the land revenue for purposes of this clause;

(21B) 'limited owner' means any person entitled to a life estate in any land and includes persons deriving right through him";

(viii) in clause (23), after the words "means a tenant", the words "who cultivates land personally" shall be inserted;

(ix) for clause (24), the following clause shall be substituted, namely :—

"(24) "person" means a natural person or a family consisting of natural persons but shall not include a joint Hindu family, an Aliyasanthana family, an institution capable of holding property, a company, association or other body of individuals whether incorporated or not;";

(x) for clause (28), the following clause shall be substituted, namely :—

"(28) "rent" means money paid or payable by a tenant on account of the use and occupation of the land held by him;";

(xi) in clause (29), in item (ii) of the first proviso, the brackets and words "(not being a joint family)" shall be omittted;

(xii) after clause (29), the following clauses shall be inserted, namely :—

"(29A) 'Scheduled Bank' means a bank included in the Second Schedule to the Reserve Bank of India Act, 1934;

(29B) 'Scheduled Castes' means the Scheduled Castes specified in respect of the State of Mysore or in respect of any area thereof, in the Constitution (Scheduled Castes) Order, 1950;

(29C) 'Scheduled Tribes' means the Scheduled Tribes specified in respect of the State of Mysore or in respect of any area thereof in the Constitution (Scheduled Tribes) Order, 1950.";

(xiii) in clause (31), for the words "two basic holdings", the words "two units" shall be substituted;

(xiv) for clause (32), the following clause shall be substituted, namely :—

"(32) "stridhana land" means any land held by any female member of a family in her own name;";

(xv) after clause (32), the following clause shall be inserted, namely :—

"(32A) "Tahsildar" includes a Special Tahsildar empowered by the State Government to exercis all or any of the powers of the Tahsildar under this Act;";

(xvi) in clause (34), for the words "who holds land on lease", the words "who cultivates personally the land he holds on lease" shall be substituted;

(xvii) after clause (35), the following clause shall be inserted, namely :—

"(35A) "unit" means one acre of first class of land or an extent equivalent thereto consisting of any one or more classes of land specified in Part A of Schedule I determined in accordance with the formula in Part B of the said Schedule;".

3. *Amendment of section 5.*—In sub-section (1) of section 5 of the principal Act,—

(i) in item (*b*) of the first proviso, after the words "any land owner", the words, figures and letter "not being a person disentitled to hold land under section 79A" shall be inserted;

(ii) in the second proviso, after the words "provided further that", the words, figures and letter "subject to the provisions of section 79A" shall be inserted.

4. *Substitution of new section for section 8.* For section 8 of the principal Act, the following section shall be substituted, namely :—

"8. *Rent.*—Subject to the provisions of this Act and notwithstanding anything contained in any law, custom, usage, agreement or decree or order of a court to the contrary,—

(a) the rent payabble in respect of any land by the tenant shall be paid annually; and

(*b*) such rent shall with effect from the date of commencement of the Mysore Land Reforms (Amendment) Act, 1972, be ten times the land revenue payabble in respect of such land:

Provided that in the case of lands classified as dry but possessing facilities for irrigation from any source of water which is the property

of the State Government, an additional rent as specified below shall be payable :

(i) lands possessing facilities for assured irrigation where two crops of paddy can be raised in a year or where sugarcane can be raised.	Rupees sixty-six per acre per annum.
(ii) lands possessing facilities for, assured irrigation where one crop of paddy can be raised in a year.	Rupees forty-four per acre per annum.
(iii) lands in which semi-dry crops can be grown.	Rupees twenty-two per acre per annum.

Provided further that where the rent payable under any contract is less than the rent specified in clause (*b*), such tenant shall not be liable to pay more than such rent ;

Provided also that in the area notified by the State Government as malnad area, the rent in respect of the lands specified as dry land but exclusively used only for grazing or removing leaves shall be equal to the land revenue payable for such lands.".

5. *Substitution of new section for section 9.*—For section 9 of the principal Act, the following section shall be substituted namely,—

"9. *Decision of dispute regarding rent payable.*—(1) Where the landlord evades receiving the rent and giving a receipt, the tenant shall be deemed to have paid the rent if he sends the same by postal money order to or deposits with the Tahsildar.

(2) A dispute between the landlord and the tenant as regard the rent payable shall on the application of the landlord or the tenant, be determined by the court.".

6. *Amendment of section* 10.—In section 10 of the principal Act, clause (*b*) shall be omitted.

7. *Insertion of new section* 10A.—After section 10 of the principal Act, the following section shall be inserted, namely :—

"10A. *Liability to pay land revenue, etc.*—Notwithstanding any law, custom, usage, agreement, decree or order of a court, the tenant shall, in respect of the land held on lease by him, with effect from the date of commencement of the Mysore Land Reforms (Amendment) Act, 1972, be responsible for the payment of the land revenue, water rate and all cesses or fees levied theron to the State Government or a local authority.".

8. *Amendment of section* 11.—In section 11 of the principal Act,—

(i) for the word "court" in the two places where it occures, the word "Tahsildar" shall be substituted;

(ii) the words "or where the rent is paid in kind, twice the value in cash of the excess rent recovered" shall be omitted.

9. *Amendment of section* 13.—In section 13 of the principal Act,—

(i) in the heading, for the words "remissions, reduction or enhancement", the words "remissions or reductions" shall be substituted;

(ii) clause (*b*) of sub-section (6) shall be omitted.

10. *Amendment of section* 14.—In section 14 of the principal Act,—

(i) in sub-section (1),—

(*a*) after the words "a landlord" the words, figures and letter "not being a person disentitled to hold land under section 79A" shall be inserted;

(*b*) in clause (i), the word "or" shall be omitted;

(*c*) clause (ii) shall be omitted;

(ii) in sub-section (2)—

(*a*) the first proviso shall be omitted;

(*b*) in the second proviso, the word "further" shall be omitted;

(iii) after sub-section (4), the following sub-section shall be inserted namely:—

"(4A) (*a*) As soon as may be after a certificate is issued under sub-section (1) or an order under sub-section (4) is made determining the lands which are non-resumable, the court shall send a copy of such certificate or order to the Deputy Commissioner.

(*b*) The court shall also send to the Deputy Commissioner copies of such certificates and orders issued or made before the date of commencement of the Mysore Land Reforms (Amendment) Act, 1972 as soon as may be after the said date";

(iv) in sub-section (6), the second proviso shall be omitted;

(v) in sub-section (7), for the words "an unmarried woman may", the words, figures and letter "an unmarried woman, not being a person disentitled to hold land under section 79A may" shall be substituted.

11. *Insertion of new section* 14A.—After section 14 of the principal Act, the following section shall be inserted namely :—

" 14A. *Inquiry and report by the Assistant Commissioner.*—In respect of lands referred to in the first proviso to clause (29) of sub-section (A) of section 2 and in sub-section (3) of section 14, other than lands held by the court to be non-resumable the Assistant Commissioner shall after inquiry in the prescribed maner submit to the Deputy Commissioner a list together with the prescribed particulars of lands deemed to be non-resumable.".

12. *Amendment of section* 16.—In section 16 of the principal Act,—

(i) in clause (1)—

(*a*) for the words " two basic holdings ", the words " two units " shall be substituted ;

(*b*) in the proviso for the words " one standard acre ", the words, " one unit " shall be substituted ;

(ii) in clause (2), for the words " two basic holdings " the words " two units " shall be substituted and for the words " three family holdings ", the words " ten units " shall be substituted ;

(iii) in clauses (3) and (4)), for the words " three family holdings ", the words " ten units " shall be substituted ;

(iv) in the second proviso to clause (6), for the words " basic holding ", the words " one unit " shall be substituted ;

(v) in clause (7)—

(*a*) for the words " two basic holdings ", the words " two units " shall be substituted ;

(*b*) for the words " a basic holding ", the words " one unit " shall be substituted ;

(vi) after clause (11), the following clause shall be added, namely :—

"(12) Notwthstanding anything contained in the preceding clauses no person shall be entitled to resume land in excess of ten units.".

13. *Amendment of section* 19.—Section 19 of the principal Act, shall be renumbered as sub-section (1) of that section, and in the said sub-section—

(i) for the words " within six years from such resumption be transferred by sale, gift or exchange ", the words " be transferred by sale, gift exchange or mortgage " shall be substituted ;

(ii) after the said sub-section (1), the following sub-section shall be inserted, namely :—

"(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for a landowner to take a loan and mortgage or create a charge on his interest in the land in favour of the State Government, a Scheduled Bank, a Co-operative Land Development Bank or a Corporation owned or controlled by the Central Government or the State Government or both, for development of land or improvement of agricultural practices ; and without prejudice to any other remedy provided by any law, in the event of his making default in payment of such loan in accordance with the terms and conditions on which such loan was granted, it shall be lawful to cause his interests in the land to be attached and sold and the proceeds to be utilised in payment of such loan.".

14. *Amendment of section* 20.—In section 20 of the principal Act, the words " within six years from the date on which he took possession " shall be omitted, and for the words " the landlord ", the words " such person " shall be substituted.

15. *Amendment of section* 21.—In section 21 of the principal Act,—

(i) in sub-section (1), in the second proviso, sub-clause (i) shall be omitted ; and in sub-clause (ii), for the words " if he is not a member of a joint family, his heirs ", the words, figures and letter " his heirs other than those disentitled to hold lands under section 79A " shall be substituted ;

(ii) for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) Notwithstanding anything contained in sub-section (1), it shall be lawful for a tenant to take a loan and mortgage or create a charge on his interest in the land in favour of the State Government, a Scheduled Bank, a Co-operative Land Development Bank or a Corporation owned or controlled by the Central Government or the State Government or both, for development of land or improvement of agricultural practices ; and without prejudice to any other remedy provided by any law, in the event of his making default in payment of such loan in accordance with the terms and conditions on which such loan was granted, it shall be lawful to cause his interests in the land to be attached and sold and the proceeds to be utilised in payment of such loan.".

16. *Amendment of section* 23.—In section 23 of the Principal Act,—

(i) in sub-section (1) after the words " the arrears of rent ", the words " for the two consecutive years " shall be inserted ;

(ii) after sub-section (2), the following sub-section shall be added, namely :—

"(3) Notwithstanding anything contained in sub-sections (1) and (2), or in section 116 no decree or order for eviction on the ground of default in paying the rent shall be executed if the tenant pays to the landlord the arrears of rent for the two consecutive years together with the costs of the proceedings as specified in such decree or order and on such payment, the said decree or order shall abate.".

17. *Substitution of new section for section* 24.—For section 24 of the principal Act, the following section shall be substituted, namely :—

"24. *Rights of tenant to be heritable.*—Where a tenant dies, the landlord shall be deemed to have continued the tenancy to the heirs of such tenant on the same terms and conditions on which such tenant was holding at the time of his death.".

18. *Amendment of section* 25.—In sub-section (3) of section 25 of the principal Act, the words and figures "or section 64" shall be omitted.

19. *Amendment of section* 27.—In section 27 of the principal Act, the second proviso shall be omitted.

20. *Omission of section* 28.—Section 28 of the principal Act shall be omitted.

21. *Amendment of section* 32.—In section 32 of the principal Act, for the words "permanent tenant" in the two places where they occur, the word "tenant" shall be substituted and after the words "other provision of law", the words "notwithstanding anything contained in the said Act or law" shall be inserted.

22. *Amendment of section* 35.—In section 35 of the principal Act,

(i) in clause (*a*), for the words "his predecessor in-title", the words "any of his predecessors in-title" shall be substituted;

(ii) in clause (*b*), for the words "any default", the words "default during three consecutive years" shall be substituted.

23. *Substitution of new section for section* 36.—For section 36 of the principal Act, the following section shall be substituted, namely :—

"36. *Site on which dwelling house is built to be sold to tenant.*—(1) If a landlord to whom the site referred to in section 35

belongs intends to sell such site, it shall be sold only to the tenant at the expense of whom or of any of whose predecessors in-title the dwelling house is built thereon.

(2) The price payable by the tenant for the site referred to in sub-section (1) shall be—

(*a*) where rent is paid for the site, an amount not exceeding ten times such rent;

(*b*) where no rent is paid, an amount not exceeding ten times the land revenue payable on that land if it had been used for agricultural purposes.

(3) Any dispute regarding the amount payable under sub-section (2) shall be decided by the Tahsildar.

(4) Any sale of the site in contravention of this section shall be null and void.".

24. *Amendment of section* 37.—For sub-section (2) of section 37 of the principal Act, the following sub-sections shall be substituted, namely:—

"(2) If the landlord refuses or fails to accept the offer and to execute the sale deed within three months from the date thereof, the tenant may apply to the Tahsildar for the determination of the reasonable price of the site. The Tahsildar shall determine the price subject to the maximum amount specified in sub-section (2) of section 36.

(3) On determination of such price, the Tahsildar shall by order in writing require the tenant to deposit with him the amount of such price within ninety days from the date of such order. On the deposit of such amount the site shall be deemed to have been transferred to the tenant and the amount deposited shall be paid to the landlord. The Tahsildar shall on payment of the prescribed fees grant a certificate in the prescribde form to such tenant specifying therein the site so transferred and the name of such tenant.".

25. *Amendment of section* 40.—In section 40 of the principal Act,

(i) in the heading, for the word "Compensation", the words "Amount payable" shall be substituted;

(ii) in sub-section (1), for the words "to compensation", the words "to payment of an amount" shall be substituted;

(iii) in sub-section (2), for the word "compensation", the word "amount" shall be substituted.

26. *Amendment of section* 44.—In section 44 of the principal Act,

(i) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) On receipt of the particulars under sub-section (4) of section 14 or the list under section 14A, the Deputy Commissioner shall, after satisfying himself about the non-resumable lands, by notification, declare that with effect from such date as may be specified in such notification (hereinafter referred to as the date of vesting) the non-resumable lands specified in such notification shall stand transferred to and vest in the State Government.".

(ii) in sub-section (2), in the proviso, the words "or to the grant of a ryotwari patta" shall be omitted;

(iii) in clause (*f*), for the word "compensation", the words "receive the amount" shall be substituted.

27. *Amendment of section* 45.—In section 45 of the principal Act,—

(i) in subsection (1), for the brackets, figures and word "(4) and (5) ....., the brackets figures, letter and word "(4), (4A) and (5)" shall be substituted;

(ii) after sub-section (4), the following sub-section shall be inserted, namely :—

"(4A) If a tenant referred to in sub-section (4) is disentitled to hold land under section 79A he shall not be entitled to be registered as an occupant of that land under this section.".

28. *Substitution of new section for section* 47.—For section 47 of the principal Act, the following section shall be substituted, namely :—

"47. *Amount payable.*—(1) *Save as provided in section* 106, *the land-owner, landlord and all other persons interested in the land shall for the extinguishment of their rights in the lands vesting in the State Government under section* 44, *be entitled to an amount which shall be as determined with reference to the net annual income derivable from the land in accordance with the following scale, namely :—*

(i) for the first sum of rupees five thousand or any portion thereof of the net annual income from the land, fifteen times such sum or portion;

(ii) for the next sum of rupees five thousand or any portion thereof of the net annual income from the land, twelve times such sum or portion;

(iii) for the balance of the net annual income from the land, ten times such balance subject to the condition that the total amount payable is limited to rupees two lakhs :

Provided that where the tenant holds land from intermediaries the amount shall be paid to the land-owner and intermediaries in the same proportion in which the rent paid for the land by the tenant was being appropriated by them immediately before the date of vesting :

Provided further that if the landlord is a small holder, he shall be entitled to an amount equal to twenty times the net annual income from the land.

(2) For the purpose of sub-section (1), *the net annual income from the land shall be deemed to be the amount payable as annual rent in respect of the land as specified in clause (b), and the proviso to that clause (if applicable to that land), of section* 8.".

29. *Amendment of section* 48.—In section 48 of the principal Act,—

(i) in the heading, for the word "compensation", the words "amount payable" shall be substituted;

(ii) for the word "court" wherever it occurs, the word "Tahsildar" shall be substituted;

(iii) in sub-section (1),—

(*a*) for the words "within its jurisdiction", the words "within his jurisdiction" shall be substituted;

(*b*) in clause (*c*), for the words "before it", in the two places where they occur, the words "before him" shall be substituted;

(iv) in sub-section (4) for the words "equal to the amount of compensation", the words, figures and brackets "equal to fifteen times the net annual income referred to in sub-section (2) of Section 47" shall be substituted;

(v) in sub-section (5),—

(1) the words "of compensation" in the three places where they occur shall be omitted;

(2) in clause (*a*), for the word "compensation", the words "the amount" shall be substituted;

(vi) after sub-section (5), the following sub-section shall be inserted, namely :—

"(6) Notwithstanding anything contained in sub-section (5), where there is no agreement among the persons entitled for the

amount regarding the right to or apportionment of the amount, the Tahsildar shall refer the question to the court. On receipt of such reference the court shall after giving notice to the parties concerned, try the question referred to and record the findings thereon and send the same to the Tahsildar. The Tahsildar shall then prepare the statement referred to in sub-section (5) in accordance with the said findings.".

30. *Amendment of section* 50.—In section 50 of the principal Act,—

(i) in the heading, for the word "compensation", the words "the amount" shall be substituted;

(ii) in sub-section (1), for the word "court", the word "Tahsildar" shall be substituted and for the word "compensation" the word "amount" shall be substituted;

(iii) in sub-section (2),—

(*a*) in clause (*a*), the words "of compensation" shall be omitted and for the words "towards compensation", the words "towards the amount" shall be substituted;

(*b*) in clause (*b*), for the words "amount of compensation payable" the words "amount payable" shall be substituted and for the words "amount of compensation" in the two places where they occur, the words "amount payable" shall be substituted;

(iv) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) If any question of law is involved regarding the validity of the encumbrance, the claim of the holder of the encumbrance or regarding the amount due in respect of the encumbrance, or if there is no agreement regarding any encumbrance between the landlord and the holder of the encumbrance, then, notwithstanding anything contained in section 132, the Tahsildar shall refer the question for decision to the court. On receipt of such reference the court shall, after giving notice to the parties concerned, try the question referred to and record findings thereon and send the same to the Tahsildar. The Tahsildar shall then give the decision in accordance with the said findings.".

31. *Amendment of section* 51.—In section 51 of the principal Act,—

(i) in the heading, for the words "of compensation", the words "of the amount" shall be substituted;

(ii) for the word "compensation", the word "amount" shall be substituted.

32. *Amendment of section 52.*—In section 52 of the principal Act, for the word "compensation" wherever it occurs, the words "the amount" shall be substituted.

33. *Amendment of sections 53 and 54.*—In sections 53 and 54 of the principal Act, for the word "court", the word "Tahsildar" shall be substituted.

34. *Amendment of section 55.*—In section 55 of the principal Act,—

(i) for the word "court" wherever it occurs, the word "Tahsildar" shall be substituted;

(ii) in sub-section (3), for the words "as it may think fit", the words "as he may think fit" shall be substituted.

35. *Amendment of section 58.*—In section 58 of the principal Act,—

(i) in the heading, for the words and figures "after notification under section 44", the words "after the appointed day" shall be substituted;

(ii) in sub-section (1),—

(*a*) for the words and figures "after the first issue of a notification under section 44", the words "after the appointed day" shall be substituted;

(*b*) after the words "the court shall", the words, figures, brackets and letter "subject to the first proviso to clause (*b*) of sub-section (2) of section 14" shall be inserted

36. *Amendment of section 59.*—In section 59 of the principal Act, for the word "court", the word "Tahsildar" shall be substituted.

37. *Amendment of section 60.*—In section 60 of the principal Act, for the word "court", the word "Tahsildar" shall be substituted.

38. *Amendment of section 61.*—In section 61 of the principal Act,—

(i) in sub-section (1), the words "within six years from the date of such grant" shall be omitted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for the occupant registered as such or his successor-in-title to take a loan and mortgage or create a charge on his interest in the land in favour of the State Government, a Scheduled Bank, a Co-operative Land Development Bank or a Corporation owned or controlled by the Central Government or the State Government or both for development of land or improvement of agricultural practices ; and without prejudice to any other remedy provided by any law, in the event of his making default in payment of such loan in accordance with the terms and conditions on which such loan was granted, it shall be lawful to cause his interest in the land to be attached and sold and the proceeds to be utilised in payment of such loan.".

39. *Amendment of section* 62.—In section 62 of the principal Act, the words " within six years from the date of such registration " shall be omitted.

40. *Substitution of new section for section* 63.—For section 63 of the principal Act, the following section shall be substituted, namely :—

"63. *Ceiling on land.*—(1) No person who is not a member of a family and no family shall, except as otherwise provided in this Act, be entitled to hold whether as land owner, landlord or tenant or as a mortgagee with possession or otherwise or partly in one capacity or partly in another, land in excess of the ceiling area.

(2) The ceiling area for a person who has no family or is not a member of a family or for a family shall be ten units.

(3) The ceiling area for every family consisting of more than five members shall be ten units together with an additional two units for every member of the family in excess of five, so however that the total extent of land for such family shall not exceed twenty units.

(4) For the purpose of this section, all the lands held individually by the members of a family including stridhana land or jointly by some or all of the members of the family shall be deemed to be held by the family.

(5) (*a*) In calculating the extent of land held by an individual person or a member of a family, the share of the members of the family or of an individual person in the land held by an undivided Hindu family or an Aliyasanthana family, shall be taken into account.

(*b*) In calculating the extent of land held by an individual person or a family, the share of the individual person or of the family in the land held by a firm, society or association of individuals (whether incorporated or not) or by a company shall be taken into account.

(*c*) In calculating the extent of land held by a person, the share of such person in the land held by a Co-operative Farm shall be taken into account.

(6) (*a*) No sugar factory shall hold any land except solely for the purpose of research or seed farm or both; and when land is held solely for the purpose of research or seed farm or both by a sugar factory the ceiling area shall be one hundred units;

(*b*) If any question arises whether an land held by a sugar factory is solely used for the purpose of research or seed farm or both, the decision of the State Government on that question shall be final; and land not held for the said purpose shall be deemed to be surplus land and the provisions of sections 66 to 76 shall, so far as may be, apply to the surrender to and vesting in, the State Government of such land. The provisions of this sub-section shall have effect notwithstanding anything contained in this Act.

(7) In the case of any person holding land cultivated by plantation crop, the ceiling area in respect of other lands held by him shall be determined taking into account the agricultural land referred to in item (iii) of the Explanation to section 104.

(8) Notwithstanding anything contained in the preceding sub-sections, if any person has, after the 18th November 1961, transferred any land otherwise than by partition or by donation to the Mysore Mysore Bhoodan Yagna Board established under the Mysore Bhoodan Yagna Act, 1963 (Mysore Act 34 of 1963) or by sale to the tenant of such land in conformity with any law in force at the time, then in calculating the ceiling area which that person is entitled to hold the area so transferred shall be taken into account and land exceeding the ceiling area so calculated shall be deemed to be in excess of the ceiling area, notwithstanding that the land remaining with him may not, in fact, be in excess of the ceiling area.

If by reason of such transfer the person's holding is less than the area so calculated to be in excess of the ceiling area, then all his land shall be deemed to be surplus land, and the provisions of sections 66 to 76 shall as far as may be, apply to the surrender to, and vesting in, the State Government, of such excess land.

Explanation.—For the purpose of this sub-section, the land shall be deemed to have been transferred if it has been transferred by

act of parties (whether by sale, gift, mortgage with possession, exchange, lease or any other disposition made inter-vivos).".

41. *Substitution of new sections for section* 64.—For section 64 of the principal Act, the following sections shall be substituted, namely :—

"64. *Ceiling on future acquisition by inheritance, bequest or by sale in execution of decrees.*—(1) If on or after the date of commencement of the Mysore Land Reforms (Amendment) Act, 1972,—

(*a*) any person acquires by inheritance or bequest from any person ; or

(*b*) any person acquires by sale or in execution of a decree or order of a civil court or of an award or order of any other lawful authority,

any land, which together with the land, if any already held by him, exceeds in the aggregate the ceiling area, then, he shall within the prescribed period from the date of such acquisition furnish to the Tahsildar within whose jurisdiction his holding or major part thereof is situated, a declaration containing the following particulars, namely :—

(i) particulars of the land already held by him and those of the land so acquired ;

(ii) particulars of the land which he desires to retain within the ceiling area ;

(iii) particulars of the date of acquisition ;

(iv) particulars of the manner of acquisition and of the document, if any, under which such acquisition was made ;

(v) the name and description of the person who held the land immediately before the date of acquisition ;

(vi) particulars of land held by tenant, if any, and the name and address of such tenant ;

(vii) such other particulars as may be prescribed.

Explanation.—In this sub-section, "bequest" shall include,—

(1) gift made in contemplation of death ; and

(2) gift to take effect after the happening of any event.

(2) If, as a result of marriage or adoption on or after the date of commencement of the Mysore Land Reforms (Amendment) Act, 1972 the extent of land held by any person exceeds in the aggregate the ceiling area, he shall, within the prescribed period from

the date of marriage or adoption, as the case may be, furnish to the Tahsildar within whose jurisdiction his holding or major part thereof is situated, a declaration containing the following particulars, namely :—

(i) particulars of the land held before the date of the marriage or adoption ;

(ii) particulars of the land held after the date of marriage or adoption ; and

(iii) such other particulars as may be prescribed.

64A. *Penalty for future acquisition in contravention of section* 63.—(1) If as a result of any transfer of land either by sale, gift (other than gift made in contemplation of death), exchange, surrender, agreement, settlement or otherwise effected on or after the date of commencement of the Mysore Land Reforms (Amendment) Act, 1972, the extent of land held by the transferee exceeds the ceiling area, then, the extent of land in excess of the ceiling area so acquired shall be deemd to have been transferred to and vested in the State Govrnment free from all encumbbrances with effect from the date of such transfer on a declaration to that effect made by the Deputy Commissioner within whose jurisdiction such excess land or the major part thereof is situated :

Provided that no such declaration shall be made except after giving the person acquiring such land a reasonable opportunity of being heard.

(2) After a declaration under sub-section (1) is made, the Deputy Commissioner may take possession of such land deemed to have been transferred to and vested in the State Government in such manner as may be prescribed.

(3) For the land deemed to have been transferred to and vested in the State Government under sub-section (2) the person who had acquired such land shall be paid an amount equal to fifty per cent of the amount payable under section 72.".

42. *Substitution of new section for section* 65.—For section 65 of the principal Act, the following section shall be substituted, namely :—

"65. *Surplus land to be surrendered to State Government.*— The land which is in excess of the ceiling area, the land held by a person or a family referred to in section 79A and the land held by a person referred to in section 79B (hereinafter referred to as "surplus land') shall be surrendered to the State Government.".

43. *Insertion of new section* 65A.—After section 65 of the principal Act, the following section shall be inserted, namely :—

"65A. *Certain lands deemed to be in excess of ceiling limit.*— Where as a result of irrigation from a source constructed by the State Government, any land held by a person or if he has a family, together with any member of his family, is converted after the appointed day into any other class of land and thereby the lands held by such person exceed the ceiling area the land so in excess shall be deemed to be surplus land and accordingly the provisions of sections 66 to 76 shall, so far as may be, apply to the surrender and vesting in the State Government of such excess land."

44. *Amendment of section* 66.—In section 66 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) (*a*) Every person holding land on the date of commencement of the Mysore Land Reforms (Amendment) Act, 1972, which is in excess of the ceiling area shall, within the prescribed period after the date of commencement of the said Act ; and

(*b*) every person whose land is deemed under section 65A to be in excess of the ceiling area shall, within the prescribed period after such conversion,

furnish a declaration to the Tahsildar within whose jurisdiction the holding of such person or the family or the major part thereof is situated, containing the following particulars, namely :—

(i) particulars of all the lands ;
(ii) particulars of the members of the family ; and
(iii) such other particulars as may be prescribed ;

Provided that if such person is a soldier in the service of the armed force of the Union or a seaman, a declaration shall be filed within such time as the State Government may, by notification, specify.".

45. *Insertion of new section* 66A.—After section 66 of the principal Act, the following section shall be inserted, namely :—

"66A. *Penalty for failure to submit declaration.*—(1) Where, a person required by section 64 or 66 to furnish a declaration,—

(*a*) fails without reasonable cause so to do, within the time specified in that section, or

(*b*) furnishes a declaration which he knows, or has reason to believe to be false,

he shall be liable to pay a penalty which may extend to five hundred rupees.

(2) Where the Tahsildar has reason to believe that a person, required by section 64 or 66 to furnish a declaration has, without reasonable cause, failed so to do, or has submitted a declaration which he knows or has reason to believe to be false, the Tahsildar shall issue a notice calling upon such person to show cause within fifteen days of the service thereof, why the penalty provided by sub-section (1) should not be imposed upon him. If the Tahsildar, on considering the reply or other cause shown, is satisfied that the person has without reasonable cause failed to submit the declaration within time, or has submitted a declaration which he knew or had reason to believe to be false, he may impose the penalty provided in the last preceding sub-section and require him to submit a true and correct declaration complete in all particulars, within a period of one month from the date of the order.

(3) If the person fails to comply with the order within the time so granted by the Tahsildar, then as a penalty for failure to furnish a declaration, or a true and correct declaration complete in all particulars, the right, title and interest in the land held by him in excess of the ceiling area shall be forfeited to the State Government and shall thereupon vest without further assurance in the State Government ".

46. *Amendment of section* 67.—In section 67 of the principal Act,—

(i) in sub-section (1), for the portion beginning with the words " On receipt of a declaration " and ending with the words and figures " section 63 or 64 ", the following shall be substituted, namely :—

" Save as provided in section 66A, on receipt of declaration under section 64 or 66, the Tahsildar shall after such enquiry as he deems fit determine the extent of holding and the area by which such extent exceeds the ceiling area.".

(ii) after sub-section (1), the following subsections shall be inserted, namely :—

" (1A) Where the lands held by a family consist of stridhana land which may be surrendered, the extent of stridhana land to be surrendered shall in no case be more than

the proportion which the extent of stridhana land bears to the extent of other land held by the family.

(1B) Where a person holds lands cultivated by him personally as well as lands cultivated by a tenant the surrender of surplus land by him if that land is cultivated by a tenant, shall be subject to the provisions of clause I or III.".

47. *Amendment of section* 69.—In section 69 of the principal Act,—

(i) in sub-section (2), the word and figures "or 64" shall be omitted;

(ii) in sub-section (3), the words, brackets and letter "clause (*b*) of" shall be omitted.

48. *Amendment of section* 70.—In sub-section (1) of section 70 of the principal Act, after the words "revert to the mortgagor", the words, figures and letter "not bebing a person disentitled to hold lands under section 79A" shall be inserted.

49. *Substitution of new section for section* 72.—For section 72 of the principal Act, the following section shall be substituted, namely :—

"72. *Amount payable for land surrendered to and vesting in the State Government.—The amount payable in respect of land to be taken over by the State Government under sections* 68, 70, 71, 79*A* [*other than the land referred to in sub-section* (3) *of Section* 79*A*] *and* 79*B shall be determined with reference to the net annual income derivable from the land in accordance with the following scale, namely* :—

(*i*) *for the first sum of rupees five thousand or any portion thereof of the net annual income from the land, fifteen times such sum or portion;*

(*ii*) *for the next sum of rupees five thousand or any portion thereof of the net annual income from the land, twelve times such sum or portion;*

(*iii*) *for the balance of the net annual income from the land, ten times such balance subject to the condition that the total amount payable is limited to rupees two lakhs.*

(2) *For the purpose of sub-section* (1), *the net annual income from the land shall be deemed to be the amount payable as annual rent in respect of the land as specified in clause* (*b*), *and the proviso to that clause* (*if applicable to that land*), *of section* 8.".

50. *Amendment of section* 73.—In section 73 of the principal Act,—

(i) in the heading for the word "compensation" in the two places where it occurs, the words "the amount" shall be substituted;

(ii) in sub-section (1), for the word "court", the word "Tahsildar" shall be substituted and for the word "compensation" in the two places where it occurs, the word "amount" shall be substituted;

(iii) in sub-section (2), for the word "compensation" in the two places where it occurs, the words "the amount" shall be substituted;

(iv) in sub-section (3), for the word "compensation" the word "amount" shall be substituted.

51. *Amendment of section* 74.—In section 74 of the principal Act, the word and figures "or 64" shall be omitted.

52. *Amendment of section* 75.—In section 75 of the principal Act,—

(i) the words "or is the member of the joint family" and "or joint family" shall be omitted;

(ii) the word and figures "or 64", shall be omitted.

53. *Substitution of new section for section* 77.—For section 77 of the principal Act, the following section shall be substituted, namely:—

"77. *Disposal of surplus land.*—(1) Surplus land vesting in the State Government under this Act, land directed to be disposed of under sub-section (6) of section 45, section 59, section 60, land vesting in the State Government under section 79A, section 79B or under any other provision of this Act and any other land acquired under section 131, shall subject to reservation of fifty per cent thereof for grant to persons belonging to Scheduled castes and Scheduled Tribes may be granted by the Tahsildar to the following persons to the extent and in the order of preference as indicated below:—

(i) displaced tenants having no land.	not less than one unit each;
(ii) landless agricultural labourers and other landless persons.	not less than one unit each;
(iii) other persons having less than one unit.	not less than the extent required to make up one unit.

(2) The grant of land reserved for persons belonging to the Scheduled Castes and the Scheduled Tribes shall be subject to the extent and the order of preference indicated in sub-section (1)".

54. *Amendment of section* 78.—In section 78 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) The purchase price shall be an amount equal to fifteen times the net annual income referred to in sub-section (2) of section 72".

55. *Amendment of Chapter heading and insertion of new sections* 79A *and* 79B.—In Chapter V of the principal Act,—

(i) in the Chapter heading, after the words "Restrictions on", the words "holding or" shall be inserted;

(ii) before section 80, the following sections shall be inserted, namely :—

"79A. *Prohibition of holding land by non-agriculturists.*—(1) (*a*) No person who, or a family which, has an assured annual income of not less than rupees twelve thousand, from sources other than agricultural lands, shall be entitled to hold any land whether as land owner, ladlord, tenant or as a mortgagee with possession or otherwise, or partly in one capacity and partly in another.

(*b*) For purposes of clause (*a*),—

(i) the aggregate income of all the members of a family from sources other than agricultural land shall be deemed to be the income of the family from such sources;

(ii) a person or a family shall be deemed to have an assured annual income of not less than rupees twelve thousand from sources other than agricultural land on any day, if such person or family had an average annual income of not less than rupees twelve thousand from such sources during a period of five consecutive years preceding such day.

Explanation.—A person who has been assessed to income tax under the Income Tax Act, 1961 (Central Act 43 of 1961) on an yearly gross income of not less than rupees twelve thousand for five consecutive years shall be deemed to be a person whose average annual income is not less than rupees twelve thousand from sources other than agricultural income.

(2) (*a*) Every person or family who or which holds land on the date of commencement of the Mysore Land Reforms (Amendment) Act, 1972, and who or which is disentitled to hold land under

sub-section (1) shall furnish within the prescribed period a declaration to the Tahsildar within whose jurisdiction the land of such person or family is situated containing the following particulars, namely :—

(i) particulars of all lands ;

(ii) the average annual income of himself or the family ;

(iii) such other particulars as may be prescribed.

(*b*) Where a person or family,—

(i) holding land becomes, on any day after the commencement of the Mysore Land Reforms (Amendment) Act, 1972 disentitled to hold land under sub-section (1) ; or

(ii) disentitled to hold land under sub-section (1), acquires land by sale, gift, exchange, inheritance, bequest or otherwise, on any day after the date of commencement of the Mysore Land Reforms (Amendment) Act, 1972,

such person or family shall within the prescribed period from such day furnish a declaration to the Tahsildar within whose jurisdiction the holding of such person or family is situated, containing the particulars specified in clause (*a*).

(3) (*a*) On receipt of a declaration under clause (*a*) or clause (*b*), the Tahsildar shall after such inquiry as he deems fit and after satisfying himself that the person making the declaration is disentitled to hold land under sub-section (1), send a statement containing the prescribed particulars relating to such land to the Deputy Commissioner.

(*b*) On receipt of the statement from the Tahsildar under clause (*a*), the Deputy Commissioner shall by notification, declare that with effect from such date as may be specified in the notification, such land shall stand transferred to and vest in the State Government free from all encumbrances. From the date specified in such notification, the Deputy Commissioner may take possession of such land in such manner as may be prescribed.

(*c*) In respect of land vesting in the State Government under clause (*b*), an amount as specified in section 72 shall be payable :

Provided that where such land is acquired otherwise than by inheritance or bequest, the amount payable shall be an amount equal to fifty per cent of the amount payable under section 72.

79B. *Prohibition of holding agricultural land by persons not cultivating personally.*—(1) No person other than a person cultivating land personally shall, after the date of the commencement of the

Mysore Land Reforms (Amendment) Act, 1972, be entitled to hold any agricultural land.

(2) (*a*) Every person who holds agricultural land on the date of the commencement of the Mysore Land Reforms (Amendment) Act, 1972 and who is disentitled to hold such land under sub-section (1) shall furnish within the prescribed period, a declaration to the Tahsildar within whose jurisdiction such land is situated containing the particulars of such land and such other particulars as may be prescribed.

(*b*) Where a person—

(i) holding land becomes, on any day after the date of the commencement of the Mysore Land Reforms (Amendment) Act, 1972 disentitled to hold land under sub-section (1), or

(ii) disentitled to hold land under sub-section (1) acquires land by inheritance or by bequest, on any day after the date of the commencement of the Mysore Land Reforms (Amendment) Act, 1972,

such person shall within the prescribed period from such date furnish a declaration to the Tahsildar within whose jurisdiction the land of such person is situated, containing the particulars of the land and such other particulars as may be prescribed.

(c) On receipt of a declaration under clause (*a*) or clause (*b*) the Tahsildar shall after such inquiry as he deems fit and after satisfying himself that the person making the declaration is disentitled to hold land under sub-section (1) send a statement containing the prescribed particulars relating to such land to the Deputy Commissioner.

(*d*) On receipt of the statement from the Tahsildar under clause (*c*) the Deputy Commissioner shall by a notification, declare that with effect from such date as may be specified in the notification such land shall stand transferred to and vest in the State Government free from all encumbrances. From the date specified in such notification, the Deputy Commissioner may take possession of such land in such manner as may be prescribed.

(*e*) In respect of such land vesting in the State Government under clause (*d*) an amount as specified in section 72 shall be payable.

79C. *Penalty for failure to submit declaration.*—(1) Where a person required by section 79A or 79B to furnish a declaration,—

(*a*) fails without reasonable cause so to do, within the time specified in that section, or

(*b*) furnishes a declaration which he knows, or has reason to believe to be false,

he shall be liable to pay a penalty which may extend to five hundred rupees.

(2) Where the Tahsildar has reason to believe that a person, required by section 79A or 79B to furnish a declaration has, without reasonable cause, failed so to do, or has submitted a declaration which he knows or has reasons to believe to be false, the Tahsildar shall issue a notice calling upon such person to show cause within fifteen days of the service thereof, why the penalty provided by sub-section (1) should not be imposed upon him. If the Tahsildar, on considering the reply or other cause shown, is satisfied that the person has without reasonable cause failed to submit the declaration within time, or has submitted a declaration which he knew or had reason to believe to be false, he may impose the penalty provided in the preceding sub-section and require him to submit a true and correct declaration complete in all particulars, within a period of one month from the date of the order.

(3) If the person fails to comply with the order within the time so granted by the Tahsildar, then as a penalty for failure to furnish a declaration, or a true and correct declaration complete in all particulars, the right, title and interest in the land held by him shall be forfeited to the State Government and shall thereupon vest without further assurance in the State Government."

56. *Amendment of section* 80.—In clause (*b*) of section 80 of the principal Act,—

(1) for item (iii), the following items shall be substituted, namely :—

"(iii) who is not an agricultural labourer ; or

(iv) whose assured annual income is not less than rupees twelve thousand from sources other than agricultural lands ;" ;

(2) in the proviso, for the words, "to enable persons", the words, figures and letter "to enable a person other than a person disentitled to hold land under section 79A" shall be substituted.

57. *Amendment of section* 81.—In section 81 of the principal Act, for clause (*b*), the following clause shall be substituted, namely :—

"(*b*) the sale of any land or interest therein in favour of,—

(i) a Co-operative Society ;

(ii) a Scheduled Bank ;

(iii) the Mysore State Agro-Industries Corporation;

(iv) the Agricultural Refinance Corporation constituted under the Agricultural Refinance Corporation Act, 1963; and

(v) the Agricultural Finance Corporation Limited;

or the mortgage of any land or interest therein in favour of such society, bank or corporation as security for loan advanced by such society, bank or corporation.".

58. *Amendment of section* 81A.—In sub-section (1) of section 81A of the principal Act, for the words "land held by him", the words "land held by him as also his assured annual income" shall be substituted.

59. *Omission of section* 103.—Section 103 of the principal Act shall be omitted.

60. *Amendment of section* 104.—In section 104 of the principal Act,—

(i) in the heading, after the words "Regimental Farms", a comma and the words "Co-operative Farms" shall be inserted;

(ii) for the words and figures "The provisions of sections 63 and 64 shall not apply to regimental farm lands or to plantations", the words and figures "Subject to the provisions of section 110, the provisions of Chapter IV shall not apply to regimental farm lands, Co-operative Farms or to plantations" shall be substituted.

61. *Omission of section* 105.—Section 105 of the principal Act shall be omitted.

62. *Amendment of section* 106.—In section 106 of the principal Act,—

(i) in the heading, for the word "Compensation", the words "Amount payable" shall be substituted;

(ii) in sub-section (1), for the words, brackets and figures "sub-sections (2), (3) and (4)", the words, brackets and figure "sub-section (2)" shall be substituted;

(iii) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) In respect of lands held by such institution, the amount payable shall be an annuity to be paid so long as the institution exists of a sum equal to the net annual income referred to in sub-section (2) of section 72 payable in respect of such land under

section 8. Towards the annuity payable, the State Government shall issue a non-redeemable and non-negotiable annuity bond.";

(iv) sub-sections (3) and (4) shall be omitted.

63. *Substitution of new section for section* 107.—For section 107 of the principal Act, the following section shall be substituted, namely :—

"107. *Act not to apply to certain lands.*—Subject to the provisions of section 110, nothing in this Act except section 8 shall apply to lands,—

(i) belonging to Government;

(ii) belonging to Government and held on lease from the Government for a period not exceeding twenty years;

(iii) belonging to or held on lease by or from a local authority, an Agricultural Produce Marketing Committee constituted under the Mysore Agricultural Produce Marketing Regulation Act, 1966 (Mysore Act 27 of 1966), a University established by law in India or the Mysore Bhoodan Yagna Board established under the Mysore Bhoodan Yagna Act, 1963 (Mysore Act 34 of 1963) for a period not exceeding twenty years;

(iv) given as a gallantry award;

(v) used for stud farms in existence on the 24th day of January 1972 and approved by the State Government.".

64. *Omission of section* 108.—Section 108 of the principal Act shall be omitted.

65. *Substitution of new section for section* 109.—For section 109 of the principal Act, the following section shall be substituted, namely :—

"109. *Certain lands to be exempt from certain provisions.*—Subject to the provisions of the Mysore Town and Country Planning Act, 1961 (Mysore Act 11 of 1963), the State Government may, by notification, exempt, from such of the provisions of this Act as may be specified in the notification land in any area, for urban non-agricultural or non-industrial development.'

66. *Amendment of section* 110.—In section 110 of the principal Act, for the words and figures "sections 103, 105, 107 and 108", the words and figures "sections 104 and 107" shall be substituted.

67. *Amendment of section* 112.—In section 112 of the principal Act,—

(i) in clause (*d*), for the brackets and figure "(4)", the brackets and figure "(2)" shall be substituted;

(ii) clauses (*o*), (*p*) and (*q*) shall be omitted;

(iii) in clause (*r*), the figures and word "37 or" shall be omitted;

(iv) for clause (*v*), the following clause shall be substituted, namely:—

"(*v*) to record finding on the question referred to it under sections 48 and 50.";

(v) clauses (*w*), (*x*) and (*y*) shall be omitted;

(vi) in clause (*za*), for the words and figures "sections 71 and 72", the word and figures "section 71" shall be substituted.

68. *Amendment of section* 118.—In section 118 of the principal Act,—

(i) in sub-section (1), after the words "from every decision", the words and figures "including a decision under section 133" shall be and shall be deemed always to have been inserted;

(ii) sub-section (2a) shall be omitted.

69. *Substitution of new section for section* 118A.—For section 118A of the principal Act, the following section shall be substituted, namely:—

"118A. *Review by the Divisional Commissioner.*—The Divisional Commissioner may of his own motion at any time call for and examine the record of any order passed by the Assistant Commissioner against which no appeal lies or the record of any other order passed or proceeding recorded by the Tahsildar for the purpose of satisfying himself as to the legality or propriety of such order or as to the regularity of such proceeding and may pass order with respect thereto as he thinks fit.

Provided that no such order shall be made except after giving the person affected, a reasonable opportunity of being heard."

70. *Insertion of new section* 121A.—After section 121 of the principal Act, the following section shall be inserted, namely:—

"121A. *Revision by the High Court.*—The High Court may at any time call for the records of any order or proceeding recorded by

a court under the provisions of this Act for the purpose of satisfying itself as to the legality of such order or as to the regularity of such proceeding and may pass such order with respect thereto as it thinks fit :

Provided that no such order shall be made except after giving the person affected a reasonable opportunity of being heard.

71. *Amendment of section* 125.—In section 125 of the principal Act,—

(i) in sub-section (2), for the word and figures "Chapter IV", the words and figures "Chapter IV or Chapter V" shall be substituted ;

(ii) in sub-section (2A), for the words "return or" in the two places where they occur, the words "return, statement or" shall be substituted.

72. *Amendment of section* 131.—In section 131 of the principal Act,—

(i) in sub-section (1), for the words "of compensation", the words "of an amount" shall be substituted;

(ii) in sub-sections (2) and (3), for the word "compensation", the word "amount" shall be substituted.

73. *Amendment of section* 137.—In sub-section (2) of section 137 of the principal Act,

(i) clauses (ii) and (iii) shall be omitted ;

(ii) after clause (*iv*), the following clause shall be inserted, namely :—

"(*iva*) the manner of inquiry to be conducted and the particulars to be furnished to the Assistant Commissioner under section 14A." ;

(iii) clauses (vii) and (xiv) shall be omitted.

74. *Substitution of new Schedule for Schedule I.*—For Schedule I to the principal Act, the following Schedule shall be substituted, namely :—